

## COURT AWARDED SH132B IN COMPENSATION

By Edward Anyoli

Attorney General (AG) Kiryowa Kiwanuka has gone to court to halt payments of over sh60b to a claimants of a rock in relation to Isimba dam.

Kiryowa is challenging the decision of Justice David Batema in a case where former Ntenjeru County South MP Tom Kazibwe and former Kayunga district town clerk Magumba, sued the Government demanding sh132b in compensation for a rock and sand.

He argued that the decision to award colossal sums of money by the court was irregular, adding that there is already a precedent that rocks and sand should not be valued separately.

Kiryowa said Justice Christopher Madrama set a precedent in a case of Peter Etot versus the Attorney General when he ruled that they Government is not liable to pay for rock deposits separately on the suit land.

According to Kiryowa, it is surprising that more judgements are still coming yet a precedent has been set. The Attorney General wants the payment halted until the case he filed in the Court of Appeal challenging Batema's decision is determined.

In his judgment, Batema ordered the Government to pay compensation to Magumba and Kazibwe, saying the Government infringed on their right to own property protected by Article 26 of the Constitution.

Justice Batema said he based his decision on the Chief Government Valuer's report as well as disturbance allowances.

# AG IN COURT OVER ISIMBA DAM ROCK



Isimba dam is located on River Nile in Kayunga district

"I, therefore, allow compensation of 29.4% and 35.6% of the value assigned by the Chief Government Valuer for the rock and the sand resources outside of the 100-metre protected zone for the first and second applicant respectively. I equally allow the 15% as disturbance allowance on the value of the rock and the sand resources actually acquired for each of the applicants," Batema said.

Kazibwe and Magumba sued

### BETWEEN THE LINES

► The commission, in one of the hearings, heard that at the time of valuation and payment, Kazibwe and Magumba did not own any quarrying activity on their land.

the Government for taking over their land through compulsory acquisition without making

prompt, fair and adequate compensation.

Kazibwe said the Government acquired his land measuring 56 acres at Sporta Village, Nsiima parish, Nazigo sub-county, Ntenjeru, Kayunga district.

Magumba said the Government acquired approximately 30 acres of his land at Kiteredde village, Katikanyonyi parish, Nazigo sub-county, Ntenjeru county Kayunga district without making prompt payment, an assertion the Government through the office of Attorney General has denied. The duo demanded a total of sh132b for the rock used as part of the raw material for both Isimba hydropower projects.

### LAND PROBE

The commission of inquiry into land, in one of its hearings, heard that at the time of valuation and payment, Kazibwe and Magumba did not own any quarrying activity on their land. The probe further heard that the duo accepted the payment willingly, and signed the consent forms, and relinquished the land for the project to start.

According to the record, a grand total of sh34.5b, was the figure contained in the certificate of valuation, submitted to the Chief Government Valuer in January 2014.

Magumba told the commission that the assessment was based on the open market value of the land. He said the valuation included crops, buildings and other inputs.

## Police explains soldier, spy arrests in Wakiso

By Simon Masaba

Police publicist Fred Enanga has explained that although an External Security Organization (ESO) operative Alex Mulungi's motorcycle was recovered at a crime scene in Wakiso district on Monday last week, he was not involved in the mob violence as was earlier reported.

According to Enanga, Mulungi and his brother, James Owobusobozi, a soldier attached to a UPDF detach in Mbarara, were riding in the direction of the mob violence, and "due to the intensity of the stones (at the time), the two officers abandoned their motorcycle and one of them ran to Kiganda Police post for safety."

Enanga's explanation followed revelations at the weekly Monday press conference detailing how the Police had arrested three suspects including Mulungi and Owobusobozi allegedly over aggravated robbery. The third suspect was identified as David Mukibi, a businessman.

The suspects were later released without charges after security agencies led by the Police listened to and recorded witness accounts on what exactly transpired in the wee hours of Monday morning, according to Enanga.

In a statement, Enanga said: "The public should know that allegations involving security personnel are taken seriously. The leadership of the joint security agencies dispatched a team to thoroughly review the matter."

### WHAT HAPPENED?

According to Enanga, the facts gathered reveal that on January 9 at around 2.30am, three brothers David George Machar, 28; Silvermos Opala, 26 and Emmanuel Okunyuk were drinking at the 'VIP' bar, in Kiganda trading centre, Kira in Wakiso district.

Later, two brothers (Machar and Opala), left their brother Okunyuk at the bar and told him he would find them home, according to Enanga.

Enanga said: "Unfortunately, as the two brothers were heading home, they were intercepted by a mob, that included a village team that guards Kiganda market."

"They started assaulting them, which prompted them to run for their lives. The mob continued chasing and pelting

them with stones," Enanga said.

He added: "It was at that stage, that they met Mulungi, riding on a motorcycle with his brother, Owobusobozi, in the direction of the mob violence. Due to the intensity of the stones, the two officers abandoned their motorcycle and one of them ran to Kiganda Police post for safety."

Enanga said that the acts of mob violence came to the attention of their other brother, Okunyuk, who responded and caused the arrest of Mukibi, one of the local guards at the market (Kiganda).



The suspects including Mulungi and Owobusobozi were arrested allegedly over aggravated robbery.

### THE INVESTIGATION

Preliminary investigations indicate that Mulungi had a birthday party with friends at Naguru Godown, which went on till 1:40am.

It was after the party that Mulungi was dropping his brother Owobusobozi home in Kiganda village, and thereafter return to Naguru barracks, where his father stays, since it was late for him to proceed to his home in Kawanda," Enanga said.

As the Joint Security Agencies, we are thankful to all those witnesses who gave us a very clear account of how the incident happened, according to Enanga.

"Efforts are now in place to trace for members of the mob, who attacked the two victims and the two security personnel," he said.

## In Loving Memory



Dr Florence N. Bwanika  
Born 27th April 1966 -  
Died 17th January 2021

Days have turned into months and it is now one year since the violent hand of death snatched you from our midst. In our hearts you are still living and shining because of the wonderful memories shared during your time with us.

We take this opportunity to thank the Kingdom of Buganda, friends and family for your enormous and continuous support, physically, emotionally, financially and spiritually in these difficult times.

Forever remembered by your husband Chris and Children Frobisher, Christabel and Felix, as well as your relatives and friends.

Rest in Peace  
Psalms 139: 1-16